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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BARTELL RANCH LLC, et al.,

Plaintiffs,

v.

ESTER M. MCCULLOUGH, et al.,

Defendants,

and

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant

Case No.: 3:21-cv-80-MMD-CLB
(LEAD CASE)

**ORDER GRANTING JOINT MOTION
BY ENVIRONMENTAL PLAINTIFFS
AND FEDERAL DEFENDANTS FOR
STAY OF BRIEFING ON
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND EXPENSES**

WESTERN WATERSHEDS PROJECT, et al.,

Case No.: 3:21-cv-103-MMD-CLB
(**CONSOLIDATED CASE**)

Plaintiffs,

and

RENO SPARKS INDIAN COLONY,

Intervenor-Plaintiff,

and

BURNS PAIUTE TRIBE,

Intervenor-Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,

Defendants,

and

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant.

Plaintiffs Western Watersheds Project, et al. (WWP or Environmental Plaintiffs), and the Federal Defendants, the United States Bureau of Land Management et al. (BLM), file this Joint Motion and Status Report to continue the stay of briefing on WWP's Motion for attorneys' fees and expenses to facilitate negotiations that may result in settlement of WWP's fees Motion. This Motion proposes a shorter stay and schedule that will allow the Court to resolve WWP's Motion for attorneys' fees by the end of September, in compliance with the Court's Order issued June 17, 2024 (ECF No. 331).

Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 (EAJA), WWP filed its fees Motion on November 10, 2023 (ECF No. 309). In order to meet EAJA's filing deadline, 28

1 U.S.C. §2412(d)(1)(B), and in support of potential settlement, WWP filed a “placeholder” fees
2 motion, meeting the requirements of EAJA, while allowing the parties to pursue settlement and
3 avoid further briefing and evidence submittals while negotiations continue. *See Greenpeace v.*
4 *Stewart*, No. 17-35945, 2020 WL 2465321, *4-5 (9th Cir. Commissioner, May 12,
5 2020)(approving use of placeholder fees motion to facilitate settlement).

6
7 Pursuant to this Court’s Order (ECF No. 327) approving WWP’s and the Federal
8 Defendants’ previous joint status report and motion to extend the deadlines regarding WWP’s
9 fees Motion, this status report is due June 19, 2024. Environmental Plaintiffs and the Federal
10 Defendants filed a fifth Joint Motion for Stay on Briefing of Plaintiffs’ Motion for Attorneys’
11 Fees and Expenses on June 13, 2024 (ECF No. 330).

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13 The Court denied our Joint Motion (ECF No. 330) on June 17, 2024 without prejudice
14 “to the parties proposing a shorter stay and schedule that would allow the Court to resolve the
15 Motion by the end of September” (ECF No. 331). As stated above, Environmental Plaintiffs and
16 the Federal Defendants therefore file this new Joint Motion and Status Report to comply with the
17 Court’s deadline provided in the Court’s Order (*Id.*).

18
19 WWP and the Federal Defendants are currently engaged in negotiations and propose that
20 briefing be continued to be stayed while these discussions are ongoing. In the event that a
21 settlement cannot be reached, WWP and the Federal Defendants further propose that WWP and
22 the Federal Defendants will inform the Court and, at that time, file a joint schedule to allow
23 WWP to amend its fees Motion and submit additional declarations and materials in support of its
24 Motion, as well as a schedule for the Federal Defendants’ response and WWP’s reply.

25
26 Accordingly, WWP respectfully request that this Court issue an Order such that:

- 27
28
1. Briefing on WWP’s Motion continues to be stayed;
 2. The parties will submit a status report on the potential settlement of WWP’s

1 Motion within 30 days of the date of this Court's Order on this Joint Motion; and

2 3. If settlement cannot be reached, WWP and the Federal Defendants will file an
3 expedited joint schedule for WWP to amend its Motion, and include additional declarations and
4 materials in support, as well as for the Federal Defendants' response and WWP's reply, that will
5 allow the Court to resolve the Motion by the end of September 2024 pursuant to the Court's
6 Order (ECF. 331).
7

8 Respectfully submitted this 19th day of June, 2024.
9

10 /s/ Jaimie Park

11 Jaimie Park *Pro Hac Vice*
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1 /s/ Michael K. Robertson (signed with permission)

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8 *Attorney for Federal Defendants*

9 **CERTIFICATE OF SERVICE**

10 I hereby attest that I served the foregoing on counsel of record for all parties via the
11 Court's CM/ECF system, this 19th day of June, 2024.

12 /s/ Jaimie Park

13 **IT IS SO ORDERED.**

14 DATED: June 20, 2024

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16 CHIEF U.S. DISTRICT JUDGE
17 MIRANDA M. DU
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